

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 14-4550
CHIEF OPERATING OFFICER TO PURCHASE)
PROPERTY IN THE JOHNSON CREEK AND) Introduced by Chief Operating Officer Martha
WATERSHED TARGET AREA) Bennett in concurrence with Council
) President Tom Hughes

WHEREAS, at the general election held on November 7, 2006, the voters of the Metro region approved the 2006 Natural Areas Bond Measure, authorizing Metro to sell \$227.4 million in general obligation bonds to fund natural area acquisition and water quality protection; and

WHEREAS, the Johnson Creek Target Area was identified in the Bond Measure as one of 27 regional target areas for land acquisition; and

WHEREAS, on September 20, 2007, the Metro Council adopted Resolution No. 07-3851 "Approving the Natural Areas Acquisition Refinement Plan for the Johnson Creek and Watershed Target Area" which resolution approved the acquisition of the properties within the target area; and

WHEREAS, a primary goal of the Johnson Creek and Watershed Area refinement plan is to "protect lands along the mainstream and important tributaries of Johnson Creek"; and

WHEREAS, certain real property legally described and identified in the executive session (the "Property") that meets this goal and which is identified in the Johnson Creek and Watershed Area refinement plan may be available for purchase; and

WHEREAS, Metro Code Chapter 2.04.026 requires Metro Council authorization for any contract for the purchase of real property to be owned by Metro; now therefore

BE IT RESOLVED that the Metro Council finds that, for the reasons stated and as provided herein and discussed in the executive session on June 24, 2014, it is in the public interest to purchase the Property, and therefore authorizes the Chief Operating Officer to:

- 1. Acquire the Property on terms and under conditions acceptable to the Chief Operating Officer and the Office of Metro Attorney, consistent with the discussion at the executive session on June 24, 2014; and
- 2. Execute such ancillary documents as may be required in connection with this acquisition, in the form approved by the Office of Metro Attorney.

ADOPTED by the Metro Council this 17th day of July, 2014.



801 Tom Hughes, Council President

Approved as to Form:



Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4550, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE CERTAIN PROPERTY IN THE JOHNSON CREEK AND WATERSHED TARGET AREA

Date: July 17, 2014

Prepared by: Kathleen Brennan-Hunter, 503-797-1948

BACKGROUND

Resolution No. 14-4550 requests authorization for the Chief Operating Officer to purchase real property (the "Property") located within the Johnson Creek and Watershed target area and discussed with the Metro Council in executive session on June 24, 2014. This Property meets the goals and objectives of the target area refinement plan.

The Property has high habitat value. Ongoing stream bank and riparian forest restoration on this Property and in the watershed will improve habitat and water quality for threatened fish and other associated species. Coho salmon have been spotted upstream of this site. This Property will also provide an attractive, forested backdrop for bicyclists, walkers and joggers who use the nearby Springwater Corridor.

Metro staff has been in negotiations with the property owner for several years. The transaction includes terms that are outside the Due Diligence Guidelines. Therefore according to the Natural Areas Implementation Work Plan and the Metro Code, Metro Council approval is necessary to complete the transaction. In order to secure an agreement to acquire the Property, Metro staff is proposing an offer to the owners consistent with the discussion at the Metro Council executive session on June 24th, 2014.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

Resolution No. 06-3672B, "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisitions and Water Quality Protection," was adopted on March 9, 2006.

The voters' approved Metro's 2006 Natural Areas Bond Measure at the general election held on November 7, 2006.

Resolution No. 07-3851, "Approving the Natural Areas Acquisition Refinement Plan for the Johnson Creek and Watershed Target Area," was adopted on September 24, 2007.

Resolution No. 07-3766A "Authorizing the Chief Operating Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan," was adopted by the Metro Council on March 1, 2007, and established the Acquisition Parameters and Due Diligence Guidelines for the purchase of properties as part of the 2006 Natural Areas Bond Program.

3. Anticipated Effects

Metro will endeavor to acquire the Property, pursuant to the terms discussed by the Metro Council during executive session on June 24th, 2014. If all conditions are met, the transaction will close within 90 days of both parties executing a purchase agreement.

4. Budget Impacts

Funds to acquire the Property will come from the Natural Areas Bond Measure.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution 14-4550.

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BACKGROUND

Resolution No. 14-4550 requests authorization for the Chief Operating Officer to purchase real property (the "Property") located within the Johnson Creek and Watershed target area ~~and discussed with the Metro Council in executive session on June 24, 2014.~~

~~The subject Property is a 16-acre parcel located on SE 252nd in Gresham, and includes 600 feet of both stream banks of Johnson Creek, 650 feet of an unnamed perennial tributary, and 2.5 acres of the 100-year floodplain. This Property meets the goals and objectives of the target area refinement plan, by protecting lands along the mainstream of Johnson Creek, protecting water quality and connecting existing public holdings. The Tier I acquisition objective in the target area is to "protect lands along the mainstream and important tributaries of Johnson Creek..."~~

~~This acquisition would extend contiguous Metro ownership along Johnson Creek to roughly 50 acres. Only one other private property would separate the Property from then connecting to the 40-acre Metro-owned Hogan Cedars Natural Areas in the Ambleside Drive area of Gresham, thus creating nearly 100 acres of Metro-protected lands in this area. These property connections allow more extensive stream stabilization work to extend across all the Metro properties in the area, and improves the health of wildlife corridors throughout the watershed.~~

The Property has high habitat value. ~~Johnson Creek was once host to abundant native fish populations, including threatened salmon species.~~ Ongoing stream bank and riparian forest restoration on this Property and in the watershed will improve habitat and water quality for threatened fish and other associated species. Coho salmon have been spotted upstream of this site. This Property will also provide an attractive, forested backdrop for bicyclists, walkers and joggers who use the nearby Springwater Corridor.

Metro staff has been in negotiations with the property owner for several years. The transaction includes terms that are outside the Due Diligence Guidelines. Therefore according to the Natural Areas Implementation Work Plan ~~and the Metro Code~~, Metro Council approval is necessary to complete the transaction. In order to secure an agreement to acquire the Property, Metro staff is proposing an ~~amended~~ offer to the owners consistent with the discussion at the Metro Council executive session on June 24th, 2014.

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